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February 14, 2012

VIA ELECTRONIC FILING

Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

**Re: Simon Taub v. Chana Taub, Esther Newhouse, and Lori
Lapin Jones
Case No.: 12-cv-00525 (WFK)**

Dear Judge Kuntz:

We are the attorneys for the Appellant in the above-captioned bankruptcy appeal. We request an extension of time pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for the Appellant to file the Appellant Brief from February 17, 2012 to March 30, 2012, for the Appellees to file their Briefs from March 2, 2012 to April 30, 2012, and for Appellant to file its Reply Brief from March 16, 2012 to May 23, 2012.

This extension is made with the consent of the Appellee-Trustee of the Chapter 11 bankruptcy case, as evidenced by the attached stipulation. We have not obtained the consent of the "Appellee" Chana Taub or her sister, "Appellee" Esther Newhouse for this extension. The Chapter 11 Trustee-Appellee is the only party Appellee charged under the Bankruptcy laws with the preservation and disposition of the Debtor's properties pursuant to § 1108 of the Bankruptcy Code (see also *Vreugdenhill v. Hoekstra*, 773 F.2d 213, 215 (8th Cir. 1985), where the Court of Appeals held that the trustee was the legal representative of the estate with the capacity to sue and be sued, thus, the debtor lacked standing to maintain suit without the participation of the trustee). The reason for the extension request is as follows:

- 1) The thrust of the appeal was to obtain an order directing the sale of three Debtor-titled properties to permit Appellant to realize on the setoff rights granted Appellant by the Divorce Court decision. On February 10, 2012, the Trustee made a motion to sell one of these properties and within the past several days, has entered into a stipulation providing for sale of a second property. The Appellant believes that further settlement discussions will take place within the immediate future, which may obviate the need for this appeal.

- 2) The history necessarily involved in the appeal is fairly extensive, involving the history of the interrelated divorce action and the bankruptcy case over the past several years and the treatment of these issues should warrant additional time.
- 3) The intervening time periods cover the Passover holiday on which the Appellant's attorneys are restricted in certain respects.

This is the first request for an extension of time. While the Notice of Docketing of the Bankruptcy Appeal was apparently entered on the case docket on February 3, 2012, we first received the notice of electronic filing on February 5, 2012.

Pursuant to Bankruptcy Rule 8011(b), motions for procedural orders, including any motion for enlargement of time under Bankruptcy Rule 9006, may be "acted on at any time, without awaiting a response thereto and without hearing."

We respectfully request the Court accordingly extend the deadline to file the Appellant's and Appellee briefs pursuant to the attached stipulation.

Respectfully Submitted,

s/ Leo Fox

Leo Fox

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
-----X

In re:

Chana Taub,

Civil Action No. 12-cv-00525-WFK

Debtor.
-----X

Simon Taub

Appellant,

v.

Chana Taub,
Esther Newhouse,
Lori Lapin Jones, as Chapter 11 Trustee
of Chana Taub,

Appellees.
-----X

STIPULATION TO EXTEND TIME

WHEREAS, on December 20, 2011, Appellant Simon Taub filed a Notice of Appeal from Order of the United States Bankruptcy Court for the Eastern District of New York (the "Bankruptcy Court") dated December 7, 2011 denying Simon Taub's Motion to Compel Enforcement of a State Court Judgment in the bankruptcy case 08-44210 (ESS) (the "Bankruptcy Case"); and

WHEREAS, on February 3, 2012, a Notice of Docketing of the Bankruptcy Appeal was filed by the Clerk of the Court for the Eastern District of New York; and

WHEREAS, pursuant to Federal Rule of Bankruptcy Procedure 8009, the Appellant's brief is due 14 days after entry of the appeal on the docket, or February 17, 2012; and

WHEREAS, Appellant has requested from Appellee, Lori Lapin Jones, as Chapter 11 Trustee of Chana Taub, that she stipulate to an extension of time for Appellant to file his Appellate brief; and

WHEREAS, Appellee Lori Lapin Jones, as Chapter 11 Trustee of Chana Taub, has no objections to such an extension of time; it is

THEREFORE, IT IS STIPULATED AND AGREED:

1. The time for the Appellant to file the Appellant's Brief is extended from February 17, 2012 to March 30, 2012. *30 2F ML*

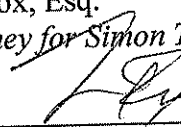
2. The time for the corresponding Appellee briefs to be filed is extended to April 30, 2012; and the time for Appellant's reply brief to be filed is extended to May 23, 2012. *30 2F ML*

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3. The agreement by the Appellee, Lori Lapin Jones, as Chapter 11 Trustee of Chana Taub, to extend the briefing schedule should be without prejudice to all of the parties' rights and remedies.

Dated: New York, New York
February 14, 2012

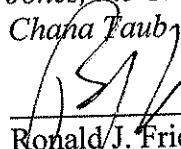
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Dated: Jericho, New York
February 14, 2012

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